IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	David B. Kinder et al.	§	Art Unit:	2424
		§		
		§	Examiner:	James R. Sheleheda
Serial No.:	09/515,272	§		
		§	Conf No.:	1987
Filed:	February 29, 2000	§		
		§	Atty Docket:	ITL.0315US
For:	Providing a Viewer Incentive with Video Content	§		P7998
		§		
		§	Assignee:	Intel Corporation

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In response to the new ground of rejection, it is respectfully submitted that it makes no sense to suggest that a computer readable medium could be a non-transitory form such as air. If it is a "medium," and it is "computer readable," it would have to be some type of storage or memory. There is no computer known to the unsigned that can read the air. Every computer that the undersigned is familiar is, and the Examiner has pointed out no examples to the contrary, requires that there be a physical storage that it can access. Computers cannot access the air.

Thus, a computer readable storage medium must be one which is a storage, not something that constitutes a carrier wave or the like. For example, a carrier wave would not be a computer readable medium because a computer cannot read it. It could read the carrier wave after receipt, decoding, and storage in a memory. But there is nothing wrong with that.

As a result, the requirement for the language "non-transitory" is entirely illusory, performs to useful function, and is both belated and erroneous. Therefore, the rejection should be reversed.

The prior art rejection is based on a most illogical reading of the reference. The reference basically talks about asking a series of questions and recording whether the user answers the

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question correctly and, if not, reasks the question. Based on the number of correct answers that are provided, a puzzle is provided with more or less pieces, based on the user's performance.

The cited paragraph 128 does include the language that periodically the feedback display would appear. The Examiner interprets this to mean that the exact same puzzle would be repeatedly offered for solving by the user. But this makes no sense. If the user answered a series of questions and got a puzzle with a given number of pieces and was able to solve that puzzle, why would he want to get the exact same puzzle as a reward for the next series of questions? Clearly and indisputably, what is meant is that periodically different puzzles are displayed based on the user's performance on each stage or series of questions. To suggest that the user gets the exact same puzzle again is a misunderstanding that no one skilled in the art would be guilty of.

Thus, there is no progressive displaying of pieces to create an overall image, but, instead, as clearly shown in Figures 12A and 12B, the entire image is displayed and then is broken into a number of pieces, the number of pieces determined by the user's performance. But in no case is there any progressive display of the image. The only difference between images based on performance is how many puzzle pieces the image is broken into.

No matter how many times the system displayed the exact same puzzle, if the Examiner were right the entire image would be displayed and it would just be broken into different numbers of puzzle pieces. Illogically, the user would simply solve the same puzzle over and over again with different numbers of pieces in it. Even under the Examiner's reasoning, illogical though it may be, the puzzle disclosed would not meet the claimed invention because it would not be displayed progressively.

Therefore, the rejection should be reversed.

Respectfully submitted,

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